

In The United States District Court
District of Massachusetts

Richard A. McFEE
Plaintiff

v.

Medical Director "B. Yeh"

Medical Doctor "L. Lund"

Nurse Practitioner "F. Fandeyer"

Correctional Counselor "D. Tickwell" Civil Case # 1:18-cv-11158-PBS

Correctional Counselor "T. O'Connor"

Correctional Officer "J. Berndtowitz"
"J. Berkowitz"

LPN "A. Woods"

Defendants Are Sued In-
Their individual CAPACITY.

Plaintiff 1st time
Amending his Civil
Complaints To Add New
Defendants And To
remove 1 Defendant

Plaintiff Request
For Jury trial

Jurisdiction & Venue

1) This is a Civil Action Authorized by 42 U.S.C. Section 1983 to redress the deprivation under color of State Law of rights Secured by The Constitution of The United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1333(a)(3). Plaintiff seeks declaratory relief Pursuant to 28 U.S.C. Section 2201 and 2202.

2) Plaintiff Richard A. McFee, is and was at all times mentioned herein A Prisoner of the United States Federal Medical Center - "Ft Devens" in The State of Massachusetts In the Custody of The Federal Bureau of Prisons In Devens Massachusetts. "P" (1)

3) The District of Massachusetts is an Appropriate Venue under 28 U.S.C. Section 1331(b)(2) because it is where the events giving rise to this Claim occurred.

4)

A) Defendant Medical Director B.Yeh, is the Director of the medical Department At FMC-Devers. He is legally responsible for the operations of the Medical Health Services, medical officials To includ but Not limited to Nurses, Doctors, Physicians, Administration officials And to Ensure that all Prisoners medical needs Are treated And met To Federal of Bureau of Prisons Policies :-
Program statement.

B) Defendant Doctor L.Lund is A medical Doctor At FMC-Devers, He is legally responsible for Caring, treating all Prisoners Who Are Assigned to his Case load Upon Arrival to Fmc-Devers And until they Are Discharged, including Segregation Prisoners As well.

C) Defendant Nurse Practitioner F.Fandreyer, is the Facility Nurse Practitioner At Fmc-Devers. She is legally responsible For Seeing Prisoners in the Segregation And Camp Housing Units for Daily Sick Call And treating And examining the Prisoner's Complained medical Issues or Pre-existing medical Condition As well.

Continue on P 3 →

4)

D) Defendant T. O'Connor is the K-unit And J-unit Correctional Counselor. He is legally responsible for Providing Safe & Clean Housing environments to all Prisoners Housed in his Assigned units (J & K) he is also responsible for Providing Prisoners Administrative remedies and Processing the Grievances As well

E) Defendant D. Tidwell is the Correctional Counselor for the whole medical Building, P-A, P-2, P-3 And N-2 units. He is legally responsible for ensuring Prisoner medical Patients are in A Safe, Clean environment, he is also responsible for Providing Prisoners in his Assign units Administrative remedies & Grievances And Processing the Grievances and remedies upon return from Prisoners in his Assigned units

F) Defendant A. Woods is A LPN medical official At Fmc-Devens. She is legally responsible for triage Patients in the facility Medical Clinic And Changing Prisoners Wounds.

G) Defendants J. Berkowitz is A Correctional Officer in Special Housing During the Course of events in Civil Complaint. He is legally responsible Prisoners Personal Property in the Segregation unit And making Sure that the Prisoners Property Are lock away Secured in A Safe Property Room.

"FACTS"

5)

On September 26th "2017" while Plaintiff was housed at United States Federal Medical Center located in Rochester Minnesota, Two Investigation Officials Sexually raped and Sodamized Plaintiff with A Wooden Toilet Plunger. After Plaintiff refused to provide the Agents with information concerning a Physical Altercation on September 25th 2018.

A) Do to the Serious Sexually Assault At FMC - Rochester Minnesota, (upon on information and belief) Plaintiff was transferred to Federal Medical Center Devens with out being Treated for the Injuries And Damages Plaintiff Encounter As A Result of the Assault.

B) on December 6th 2017 Plaintiff Arrived to FMC - Devens, upon Arrival Plaintiff informed Medical Officials, mental Health And medical Nurse ("Ms Vee") that he was Sexually Assaulted And Needed medical Attention for his Non Stop rectal bleeding And major Pain he was suffering from.

C) The two unknown male and female Physicians that Plaintiff was Assigned to refused to examine Plaintiff Injuries upon Plaintiff Arrival to FMC-Devens and on 2/1/2018 Both Physicians resigned

Continue of "P" 5-7

5)

D) Starting Feb of 2018, medical Director B.Yeh took over Plaintiff As his new Care Physician, on or about the 2nd week of Feb of 2018, Plaintiff Signed up for Medical Sick Call Complaining of rectal pain and non Stop Bleeding, (PA) Physician Assisting Mrs Kildoff Seen Plaintiff In Clinic and ruled out that Plaintiff rectal examine tested Positive for Blood And Between Plaintiff Bottom's Was raw And Painful to the touch.

E) PA Mrs Kildoff Sent A e-mail encounter to Plaintiff medical Doctor Director B Yeh, upon informational belief, DA Kildoff requested for Dr Yeh to Come examine Plaintiff but Dr Yeh Never Came to examine Plaintiff.

F) ON MAY 8 2018 While Plaintiff Was housed In the Segregation unit "K", Plaintiff began to Sign up for medical Sick call requesting for Dr Lund And FNP. Fendreyer to Come See Plaintiff because Segregation Nurse Ms Gallant had been Documenting And witnessing Plaintiff Bleeding from his rectal And e-mail Both Dr Lund And Fendreyer to Come examine Plaintiff,

G) In late or Middle of may of 2018, Plaintiff begin to Struggle with his magnesium Blood labs which Plaintiff Was Hospitalize 2 times for having

5)

G) life Threatening Low magnesium Blood levels.
Defendants Lund And Fondreyer failed to monitor Plaintiff Magnesium Deficiency levels And Went Weeks (5/16/18 - 6/8/18) without ordering Plaintiff Critical Care Plan Magnesium Medication Causing Plaintiff Another trip to the Hospital for A low magnesium

H) from Plaintiff Arrival to unit "K" Segregation Defendants B.Yeh, L.Lund and F.Fondreyer was made aware several times by Nurse Gallant that Plaintiff Continue to Struggle with Chest Pains, rectal Pains And Non stop bleeding from his rectal Area, all 3 Defendants Ignored the Nurse Gallant e-mail encounters for 110 days which lead up to Plaintiff being hospitalize 2 times in late July And Early August receiving 2 Surgeries on Plaintiff Bottom's rectal Area.

I) Defendants T.O'Connor And A.D.Tidwell refused To Provide Plaintiff With Administrative Remedies After Plaintiff Pursued to file Grievances on the medical officials for Depriving him Medical treatment for Plaintiff Serious Medical Conditions

A) Defendant Tidwell, removed Plaintiff from the medical ~~Hospital~~ Hospital unit without Authorization from medical Officials

See 6)

A) because he wanted Plaintiff to not file Grievances which would make his Job harder, after Defendant Tidwell removed Plaintiff from the hospital the first time, medical Nursing Director "Ms Shillings" order for Plaintiff to be Place back in the Medical Hospital Building So Nursing Staff Could monitor Plaintiff open Wounds he still Suffer With from fistulizing holes in Plaintiff Stomach, Defendant Tidwell learned that Plaintiff Was back in the Hospital unit P-2 and Again moved Plaintiff back To unit JA without Authorization from medical officials

B) upon Arriving to unit J-A after being illegally removed from the medical inpatient Care unit P-2 Defendant O'Connor, Counselor of J-A unit refused to Take and Process Plaintiff Administrative Remedies Plaintiff filed on Defendant Tidwell because Defendant O'Connor Told Plaintiff that he wasn't Going to Come to his unit making him do extra Work with Processing every Administrative remedy Plaintiff filed, Through out Plaintiff Stay In J-A unit And Segregation up till Date 11/30/18 Plaintiff filing the Amended Complaint Plaintiff has Turned in over 20 Administrative Remedies to Both Defendants O'Connor And Tidwell And all of them but A few has been rejected

7) Defendant A. Woods became Angry with Plaintiff on 2/16/18 After Plaintiff Arrived to the Medical Clinic At Fmc-Devens to get his wound Dressing Changed, After Plaintiff Informed Defendant Woods Why he was At the Clinic, Defendant Woods Begin Yelling At Plaintiff, using Inappropriate Words towards Plaintiff by Calling the Plaintiff A Dumb Penis And Spitting into Plaintiff Face Defendant Woods refused to Change Plaintiff Dressing Which was Saturated with Blood and Stool And Sent Plaintiff back to his unit (J-A) and made Plaintiff Sleep in his bed As is. Plaintiff begin filing Grievances Against Defendant Woods on 2/17/18, After Defendants Woods learned that Plaintiff filed A remedy Against her, She begin Retaliating Against Plaintiff by Writing false Reports and Threaten Plaintiff to Place Substances in Plaintiff medication to Kill Plaintiff, Plaintiff filed A Complaint with the State Board of Massachusetts Human Services & Commonwealth This Organization Attempted to Come into Fmc-Devens to Conduct A Investigation And upon Information And Belief, The Institution Investigation Agent "Taylor" refused to Allow the Board Into Fmc-Devens.

8)

Defendant J. Berkowitz learned that Plaintiff filed A administrative remedy Against him for Destroying Plaintiff Personal Property on MAY 21 2018

8)

Again on 10/17/2018 Defendant Berkowitz Open And Read Some legal Documents that Plaintiff received from the United States District Courthouse In Boston, After Plaintiff Learned that Defendant Berkowitz Destroyed Plaintiff Property Personal Property, all Court litigation Proceeding Plaintiff received from the Courts And Plaintiff Privileged mail And family Pictures, Plaintiff Amended his Complaint to Add Defendant Berkowitz to his Civil Cause Since Plaintiff filed Institutional Regional Office And Central Office Grievances on Defendant Berkowitz.

9)

"EXHAUSTION OF LEGAL REMEDIES"

Plaintiff Richard A McFee used the Prison Grievance Procedure available At Federal Medical Center-Devens to try and solve the Problems, on 1/24, 2/10, 3/07, 3/09, 6/11, 6/15, 6/27, 7/17, 8/20, 9/10, 9/13 10/2 and 10/17/2018, Plaintiff Richard A McFee Presented the facts relating to this Complaint, on 1/25/18, 2/07/18 - 4/10/18, 6/12/18, 6/18/2018, 6/28/2018, 7/30/2018, 8/22/2018, 9/14/18- 9/18/2018, 10/22/2018 and 10/18/2018, on all the above listed Dates, Plaintiff Richard A McFee got responses Saying that All the Grievances Plaintiff filed Was rejected with No return Grievances, Plaintiff Richard A McFee Was not Able to Appeal because to Appeal to the Next level, "Regional Director Office - Federal Bureau Central office", You Need responses from The Institution.

9)

However, Plaintiff Richard A McFee Continue And Submitted B#10's And B#11's to the Regional and Central offices, None of Plaintiff B#10's or B#11's Was Accepted or returned to him, upon Information And Belief only, Other Prisoner's who has filed Civil Action Suits Against Fmc-Devens have had Problems exhausting their Administrative remedies As Well, Prisoner "Johnny Walker" Informed Plaintiff that the Institution does that to try to Distract the filer with hopes of the Prisoner's filer giving up on the Law Suit.

10)

"LEGAL CLAIMS"

Plaintiff Reallege and incorporate by reference Paragraphs 1-9

11) The Denial of medical treatment for Plaintiff injuries he Suffer from the Act of Government Federal Bureau of Prisons officials, Denying Plaintiff to exhausts his Grievances remedies And retaliating Against Plaintiff After Plaintiff filed Complaints on these Prison Officials, Violated Plaintiff Richard A McFee rights and Constituted, A) Cruel And unusual Punishment, A due Process Violation under the Eighth And Fourteenth Amendment ~~to~~ to the United States Constitution.

12)

"PRAYER FOR RELIEF"

WHEREFORE, Plaintiff respectfully Prays that this Court enter Judgment Granting Plaintiff Richard A McFee

13) A Declaration that the Acts and omissions described herein violated Plaintiff Richard A MCFee Rights under the Constitution and Laws of The United States.

14) Compensatory damages in the amount of \$1,250,000 two hundred and fifty Thousand Dollars against each Defendant, Jointly and Severally.

15) A Jury trial on All issues triable by Jury.

16) Plaintiff Costs in this Suit.

17) Any Additional relief this Court deems Just, Proper, and equitable.

Date _____

Respectfully Submitted

Richard A MCFee # 18623-041
Federal Medical Center-Davens
Po Box 879

Ayer Massachusetts
01432